

chant, or of the staple or other specialty whatsoever, except such as shall be taken for the use of the State, shall be good and pleadable, or admitted in evidence against any person in this State after the principal debtor and creditor have been both dead twelve years, or the debt or thing in action is above twelve years' standing; provided, however, that every payment of interest upon any single bill or other specialty shall suspend the operation of this section as to such bill or specialty for three years after the date of such payment; saving to all persons who shall be under the aforementioned impediments of infancy or insanity of mind the full benefit of all such bills, bonds, judgments, recognizances, statute merchant, or of the staple or other specialties, for the period of six years after the removal of such disability.

When the statute begins to run.

The statute only begins to run upon the expiration of the time for the payment of the money secured by a bond. *Glasgow v. Porter*, 1 H. & J. 109.

Limitations runs on a bond from the time of breach. The act of 1715, chapter 23, section 6, and the act of 1729, chapter 24, section 21, discussed in connection with each other. *Thurston v. Blackiston*, 36 Md. 509; *Byrd v. State*, 44 Md. 501; *Brumbaugh v. Schleigh*, 54 Md. 647; *Scaggs v. Reilly*, 88 Md. 65.

The statute begins to run against the suit of a ward on her guardian's bond, from the time she is of age. *State v. Henderson*, 54 Md. 346.

The statute begins to run against the right to revive a judgment from the date of the judgment, and is not suspended by the death and failure to obtain administration on the estate of the judgment creditor. *Brooks v. Preston*, 106 Md. 705.

Allowing thirteen months for the settlement of an estate, the twelve years within which an administrator's bond could be sued, had not elapsed, and the statute was no bar. *Hagerty v. Mann*, 56 Md. 526.

Where upon the dissolution of a firm, one partner covenants to pay the debts and to release the other from the same, the statute begins to run against the covenantee, after a reasonable time from the date of such covenant. *Dorsey v. Dashiell*, 1 Md. 198.

Where an executor pays a legacy in full and takes a bond conditioned upon an insufficiency of assets, the statute begins to run from the date of the discovery of such insufficiency. *Salisbury v. Black*, 6 H. & J. 297.

Revival of the debt.

The construction of this section with reference to a revival of the debt is different from that of section 1. Neither an acknowledgment of the debt nor an express promise to pay the same, will arrest the operation of the statute. There must be an express promise to pay after the statute has become a bar. *Brooks v. Preston*, 106 Md. 706; *St. Mark's Church v. Miller*, 99 Md. 26; *Wright v. Gilbert*, 51 Md. 156; *Leonard v. Hughlett*, 41 Md. 387; *Felty v. Young*, 18 Md. 167; *Young v. Mackall*, 3 Md. Ch. 398; *Carroll v. Waring*, 3 G. & J. 503; *Willard v. Wood*, 164 U. S. 522. And see *Post v. Mackall*, 3 Bl. 520.

Where a new promise revives a specialty barred by the statute, the suit must be upon the new promise. *Felty v. Young*, 18 Md. 167; *Young v. Mackall*, 4 Md. 367; *Veasey v. Bassett*, 7 H. & J. 461.

The action upon the new promise is itself barred after three years. *Young v. Mackall*, 4 Md. 372; *Young v. Mackall*, 3 Md. Ch. 398.

Limitations in equity.

Equity follows the law and acts in obedience to this section. *Knight v. Brawner*, 14 Md. 7; *Hagerty v. Mann*, 56 Md. 526; *Weaver v. Leiman*, 52 Md. 714; *Insolvent Estate of Leiman*, 32 Md. 240; *Mitchell v. Mitchell*, 21 Md. 590; *Young v. Mackall*, 3 Md. Ch. 398; *McDowell v. Goldsmith*, 2 Md. Ch. 390; *Watkins v. Harwood*, 2 G. & J. 310.

As to limitations in equity, see also notes to sec. 1